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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/723,591
Filing Date: November 28, 2000
Appellant(s): MACAULAY ET AL.

Dan C. Hu (Reg. No. 40,025)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/17/2007 appealing from the Office action mailed 11/20/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on 1/19/2007 has not been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

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(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,775,369	McClung	08-2004
6,178,238	Bozek, et al	01-2001
6,798,767	Alexander, et al	09-2004
6,961,346	Michalewicz, et al	11-2005
6,263,064	O'Neal, et al	07-2001

Applicant's Admitted Prior Art (pages 1-2 of Applicant's Specification)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims **1-6, 8-13, 43, and 45-48** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,775,369 to McClung in view of U.S. Patent 6,178,238 to Bozek et al.

Regarding claim 1, McClung discloses a method of controlling communications in a network, comprising: receiving a request to clone a first terminal with a second terminal (defining a roaming line in lines 7-15 of column 9; the roaming line is the clone; see lines 41-47 of column 6 for more explanation of the roaming line); in response to the request to clone, associating a logical identifier of the first terminal with the second terminal (lines 9-12 of column 9); receiving a call request specifying the logical identifier of the first terminal (the call initiation request in lines 26-30 of column 9); in response to the call request, sending an alert indication to the second terminal (see lines 43-45 of column 9).

McClung does not disclose expressly receiving a second indication and in response to the second indication accessing profile information.

Bozek discloses receiving a second indication (step 201 of figure 2) from the second terminal (in this combination, the remote user to whom calls are forwarded to initiates an outbound call using the method of Bozek) for initiating a call session with a third terminal (terminal associated with speed dial number in figure 2); in response to the second indication accessing profile information (the calling card database corresponding to the home telephone

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number of the calling card; see lines 49-55 of column 1 and element 205 of figure 2) associated with the first terminal (the home telephone number of the calling card in this case is the first terminal) to process the second indication for establishing the call session between the second terminal and the third terminal (this profile is used to obtain information on the speed dial entry in order to establish the session with the third terminal).

McClung and Bozek are analogous art because they are from the same field of endeavor of telephony. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify McClung so the remote terminal to whom calls are forwarded uses the calling card procedure of Bozek for outgoing calls. The motivation for doing so would have been to allow the remote user to use speed dialing features as if he were on his home network as suggested by Bozek in lines 15-22 of column 1. Therefore, it would have been obvious to combine Bozek with McClung for the benefit of providing speed dialing to remote users to obtain the invention as specified in claim 1.

Regarding claim 3, McClung discloses a method of controlling communications in a network, comprising: receiving a request to clone a first terminal with a second terminal (defining a roaming line in lines 7-15 of column 9; the roaming line in the clone; see lines 41-47 of column 6 for more explanation of the roaming line); in response to the request to clone, associating a logical identifier of the first terminal with the second terminal (lines 9-12 of column 9); wherein associating the logical identifier comprises storing a table associating the logical identifier with identifiers of the first and second terminals (the mapping table of figure 3).

McClung does not disclose expressly receiving a call request and in response to the call request accessing profile information.

Bozek discloses receiving a call request (step 201 of figure 2) from the second terminal (in this combination, the remote user to whom calls are forwarded to initiates an outbound call using the method of Bozek) to initiate a call session with a third terminal (terminal associated with speed dial number in figure 2); in response to the call request, accessing profile information (the calling card database corresponding to the home telephone number of the calling card; see lines 49-55 of column 1 and element 205 of figure 2) of the first terminal (the home telephone number of the calling card in this case is the first terminal) to establish the call session between the second terminal and the third terminal (this profile is used to obtain information on the speed dial entry in order to establish the session with the third terminal).

McClung and Bozek are analogous art because they are from the same field of endeavor of telephony. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify McClung so the remote terminal to whom calls are forwarded uses the calling card procedure of Bozek for outgoing calls. The motivation for doing so would have been to allow the remote user to use speed dialing features as if he were on his home network as suggested by Bozek in lines 15-22 of column 1. Therefore, it would have been obvious to combine Bozek with McClung for the benefit of providing speed dialing to remote users to obtain the invention as specified in claim 3.

Regarding claim 2, McClung discloses the limitation that associating the logical identifier of the first terminal with the second terminal comprises associating a directory number of the

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first terminal with the second terminal (the mapping table of figure 3 maps the directory number of the first terminal with the second terminal; lines 32-37 of column 6 explain how this can be more than a 4-digit number).

Regarding claim 4, McClung discloses the limitation that storing the table comprises storing a table associating the logical identifier with Internet Protocol addresses of the first and second terminals (see figure 3).

Regarding claim 5, McClung discloses the limitation of receiving at least another request to clone the first terminal with at least another terminal in lines 42-47 of column 6 which indicates that one or more telephony devices can be cloned (or designated as roaming lines).

Regarding claim 6, McClung discloses the limitation that receiving the request comprises receiving a request at a terminal proxy server in that the call manager 26 is the terminal proxy server.

Regarding claims 8 and 9, McClung discloses the limitation that the request to clone comprises a request to override the first terminal with the second terminal and that the alert is not sent to the overridden terminal in lines 44-45 of column 6 which indicate that the roaming line can be used *instead of* the user's regularly scheduled telephony device.

Regarding claims 10 and 11, McClung discloses the limitation that the request to clone comprises a request to replicate the first terminal with the second terminal and that another alert is sent to the first terminal in lines 44-45 of column 6 which indicate that the roaming line can be used *in addition to* the user's regularly scheduled telephony device. See also lines 43-45 of column 9.

Regarding claim **12**, McClung discloses the limitation of receiving an answer indication from one of the first and second terminals in response to the alerts is disclosed in the off-hook indications discussed in lines 52-60 of column 9.

Regarding claim **13**, McClung discloses the limitation of establishing a call session between another terminal that sent the call request and one of the first terminal and second terminal in lines 60-63 of column 9.

Regarding claim **43**, McClung discloses the limitation that storing the table associating the first logical identifier with identifiers of the first and second terminals comprises storing the table associating the first logical identifier with both the identifier of the first terminal and the identifier of the second terminal in the mapping table of figure 3; see the row for device 1002 for example.

Regarding claim **45**, the combination of McClung and Bozek above discloses the limitation that accessing the profile information comprises accessing speed dial information of the first terminal to establish the call session between the second and third terminals (see elements 205 and 207 of Figure 2 of Bozek, for example).

Regarding claim **46**, McClung discloses the limitation of receiving a call request from a fourth terminal throughout. It is clear that there is no requirement for a single originating telephony device, so the call request can clearly come from a third or fourth terminal.

Regarding claim **47** the combination of McClung and Bozek above discloses the limitation that accessing the profile information comprises accessing speed dial information of the first terminal to establish the call session between the second and third terminals (see elements 205 and 207 of Figure 2 of Bozek, for example).

Regarding claim 48, McClung discloses the limitation of receiving a second call request from a fourth terminal specifying the logical identifier of the first terminal throughout; it is clear that there is no requirement for a single originating telephony device, so the call request can clearly come from a third or fourth terminal. Further, McClung discloses the limitation of sending an alert indication to the second terminal in response to the second call request in lines 43-45 of column 9.

Claims 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,798,767 to Alexander et al in view of U.S. Patent 6,961,346 to Michalewicz et al.

Regarding claim 37, Alexander discloses the control unit in the IP telephony devices 24 or 42 of Figure 1. The passage from lines 1-8 of column 4 discloses client modules (telephony software) executable on the control unit. The passage in lines 55-65 of column 12 discloses the limitation of sending a request to a server (call manager 26a or 26b of figure 1) to select a terminal to clone, wherein the soft clients become clones of respective terminals. The updating of the alternate number list anticipates the limitation of requesting a server to clone; as disclosed throughout, devices with a ring delay time of zero in the alternate device table of Figure 3 are rung simultaneously with the target device (and each other) and are thus clones of each other – see lines 3-4 of column 8 for example.

Alexander does not disclose expressly the limitation that there are a plurality of soft client modules on the IP telephony devices. Michalewicz discloses the limitation of a plurality of soft client modules on one device in lines 33-37 of column 6. Alexander and Michalewicz are analogous art because they are from the same field of endeavor of IP telephony. At the time of

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the invention it would have been obvious to a person of ordinary skill in the art to modify Alexander to implement a plurality of soft clients on the IP telephony devices as suggested by Michalewicz. The motivation for doing so would have been to reduce costs by making more efficient use of hardware. Clearly, implementing multiple clients with the same hardware is less expensive than requiring N sets of the hardware for N clients. Therefore, it would have been obvious to combine Michalewicz with Alexander for the benefit of cost reduction to obtain the invention as specified in claim 37.

Regarding claim 38, the limitation that the soft client module is adapted to receive an alert indication from the server corresponding to a call request received by the server for the terminal the soft client module is cloning (disclosed throughout where the simultaneous ringing of the target device and alternate devices with a zero ring delay time is described – lines 3-4 of column 8 for example).

Regarding claims 39 and 40, the LAN and WAN clouds of Figure 1 clearly comprise routers which route packets to and from the soft client modules, thus selecting one of the soft client modules for communicating packets in a call session. The limitation of claim 40 that an additional code in each packet is used to select one of the soft client modules is well known in the art through the use of port numbers to identify the application to which a particular IP packet is destined; official notice is taken.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,775,369 to McClung in view of U.S. Patent 6,178,238 to Bozek et al and in further view of Applicant's Admitted Prior Art (AAPA).

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The above cited combination of McClung and Bozek discloses all the limitations of parent claim 6 as discussed in the rejection under 35 U.S.C. 102(e) above.

McClung does not disclose expressly of the terminal proxy server communicating with the switch module via logical ports and associating a logical port with the first and second terminals.

AAPA clearly discloses that it is well known to implement the call processing necessary to connect devices in IP telephony using the use of logical ports between a TPS and a switch in lines 18-25 of page 2 of the present application. The AAPA clearly discloses reserving a logical port for the telephony client and then routing call control signaling messages through this logical port. Alexander and AAPA are analogous art because they are from the same field of endeavor of IP telephony. At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Alexander using a TPS and a switch instead of a single call manager. Clearly, since Alexander already disclosed associating the two terminals, the logical port discussed in AAPA would be used as the means of indicating this association. This would result in associating the first and second terminals with a logical port and then forwarding the call control messages using this logical port. The motivation for doing so would have been to implement the call manager in a manner which more closely mirrors the circuit switched implementation. This type of implementation is easier to conceptualize for those familiar with previous generation equipment and thus easier to maintain. Therefore, it would have been obvious to combine AAPA with Alexander for the benefit of making the system easier to conceptualize to obtain the invention as specified in claim 7.

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Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,775,369 to McClung in view of U.S. Patent 6,178,238 to Bozek et al and in further view of U.S. Patent 6,798,767 to Alexander et al.

The combination of McClung and Bozek discloses all the limitations of parent claim 10 as discussed in the rejection under 35 U.S.C. 102(e) above.

McClung does not disclose expressly of multicasting the alert to the first and second terminals. Alexander discloses this limitation throughout, see lines 17-24 of column 2, for example; since the devices are rung simultaneously, the alerts are essentially multicast to these devices. McClung and Alexander are analogous art because they are from the same field of endeavor of telephony using data networks. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify McClung to simultaneously ring multiple devices simultaneously. The motivation for doing so would have been to allow subscribers to be more accessible. Therefore, it would have been obvious to combine Alexander with McClung for the benefit of greater subscriber accessibility to obtain the invention as specified in claim 14.

Claims 16-22 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,798,767 to Alexander et al in view of Applicant's Admitted Prior Art (AAPA).

Regarding claim 16, Alexander discloses the limitation of receiving a request to establish a first terminal as a clone of a second terminal (devices with a ring delay time of zero in the alternate device table of Figure 3 are rung simultaneously with the target device (and each other) as described throughout – see lines 3-4 of column 8 for example; lines 1-8 of column 4 clearly

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establish computer 24 as an IP telephony device; lines 55-65 clearly indicate that at least an IP telephony device which is a computer (like element 24 of figure 1) can access and modify the alternate number list, this modification anticipating the request to clone the terminals).

Alexander also discloses creating an association between the two terminals in response to the request in the updated alternate number list. The limitation of receiving at the switch module a call request specifying the second terminal as the target is disclosed in element 202 of Figure 5A. The limitation of routing the call request to the first terminal is disclosed in element 222 of Figure 5A, for example.

Alexander does not disclose expressly the limitation that the association created in response to the request is a logical port between the TPS and the switch module. Similarly, Alexander does not disclose the limitation of forwarding the call request through the first logical port.

AAPA clearly discloses that it is well known to implement the call processing necessary to connect devices in IP telephony using the use of logical ports between a TPS and a switch in lines 18-25 of page 2 of the present application. The AAPA clearly discloses reserving a logical port for the telephony client and then routing call control signaling messages through this logical port. Alexander and AAPA are analogous art because they are from the same field of endeavor of IP telephony. At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Alexander using a TPS and a switch instead of a single call manager. Clearly, since Alexander already disclosed associating the two terminals, the logical port discussed in AAPA would be used as the means of indicating this association. This would result in associating the first and second terminals with a logical port and then forwarding the call

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control messages using this logical port. The motivation for doing so would have been to implement the call manager in a manner which more closely mirrors the circuit switched implementation. This type of implementation is easier to conceptualize for those familiar with previous generation equipment and thus easier to maintain. Therefore, it would have been obvious to combine AAPA with Alexander for the benefit of making the system easier to conceptualize to obtain the invention as specified in claim 16.

Regarding claim 17, Alexander discloses the limitation of disabling the second terminal in lines 55-65 of column 12; the terminal can be disabled by modifying the alternate number list to remove the terminal from the list.

Regarding claim 18, Alexander discloses the limitation of setting the first terminal as a replicate of the second terminal in the description above where both terminals are alerted.

Regarding claim 19, Alexander discloses the limitation of routing the call request to the second terminal in the case where both terminals are alerted (zero ring delay).

Regarding claim 20, Alexander discloses the limitation of receiving an indication from one of the terminals that the call request has been answered in lines 59-61 of column 11.

Regarding claim 21, Alexander discloses the limitation of establishing a call session between the terminal that transmitted the request and the first of second terminal in lines 35-36 of column 12.

Regarding claim 22, Alexander discloses the limitation that the call request is received over a packet-based network in the LANs 20a and 20b of Figure 1.

Regarding claim 44, the limitation that forwarding the call request over the first logical port is performed instead of forwarding the call request over a second logical port from the

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switch module to the telephony proxy server, the second logical port previously associated with the first terminal prior to the request to establish the first terminal as a clone of the second terminal is clearly disclosed by the combination of Alexander and AAPA discussed above. As established above, the combination associates the two terminals with the first logical port and thus the call request will be forwarded over this logical port when received.

Claims **23, 25-31 and 33-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,798,767 to Alexander et al in view of Applicant's Admitted Prior Art (AAPA) and in further view of U.S. Patent 6,263,064 to O'Neal et al.

Regarding claim **23**, Alexander discloses the limitation of an interface coupled to at least a first and a second terminal in the LAN 20a which is coupled to terminals (IP telephony devices 22-24 of Figure 1). There are clearly many other examples of this interface throughout Alexander as well. Alexander discloses the limitation of the control module in the call manager (26a or 26b of Figure 1). Alexander also discloses the limitation that this control module, in response to a request from a first terminal, defines the first terminal as a clone of a second terminal (devices with a ring delay time of zero in the alternate device table of Figure 3 are rung simultaneously with the target device (and each other) as described throughout – see lines 3-4 of column 8 for example; lines 1-8 of column 4 clearly establish computer 24 as an IP telephony device; lines 55-65 clearly indicate that at least an IP telephony device which is a computer (like element 24 of figure 1) can access and modify the alternate number list, which is the clone request). Alexander discloses storing an association between the first and second terminals in the alternate number table of Figure 3. Alexander discloses the limitation receiving a call request

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containing a first logical identifier associated with the first and second terminals in element 202 of Figure 5A. The limitation of alerting both terminals in response to the request is disclosed in elements 208 and 222 of Figure 5A.

Alexander does not disclose expressly the limitation that the association created in response to the request is a logical port between the TPS and the switch module. Similarly, Alexander does not disclose expressly the limitation of updating the table to indicate that the terminal that answered the call is the one to which forwarded future call requests should be forwarded.

AAPA clearly discloses that it is well known to implement the call processing necessary to connect devices in IP telephony using the use of logical ports between a TPS and a switch in lines 18-25 of page 2 of the present application. The AAPA clearly discloses reserving a logical port for the telephony client and then routing call control signaling messages through this logical port. Alexander and AAPA are analogous art because they are from the same field of endeavor of IP telephony. At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Alexander using a TPS and a switch instead of a single call manager. Clearly, since Alexander already disclosed associating the two terminals, the logical port discussed in AAPA would be used as the means of indicating this association. This would result in associating the first and second terminals with a logical port and then forwarding the call control messages using this logical port. The motivation for doing so would have been to implement the call manager in a manner which more closely mirrors the circuit switched implementation. This type of implementation is easier to conceptualize for those familiar with previous generation equipment and thus easier to maintain. Therefore, it would have been

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obvious to combine AAPA with Alexander for the benefit of making the system easier to conceptualize to obtain the invention as specified in claim 23.

The combination of Alexander and AAPA does not disclose expressly the limitation of updating the table to indicate that the terminal that answered the call is the one to which forwarded future call requests should be forwarded.

O'Neal discloses the limitation of updating the table to indicate that the terminal that answered the call is the one to which forwarded future call requests should be forwarded in lines 54-57 of column 12. Alexander, as modified, and O'Neal are analogous art because they are from the same field of endeavor of telephony using a data network. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify Alexander to update the alternate number table to select the last terminal to answer as the first terminal to be alerted in response to the next call request. The motivation for doing so would have been to more intelligently route the call based on information regarding the called parties location. Therefore, it would have been obvious to combine O'Neal with Alexander, modified, for the benefit of more intelligent routing to obtain the invention as specified in claim 23.

Regarding claim 25, Alexander discloses the limitation that the first logical identifier is a directory number in step 202 of Figure 5A – see lines 33-42 of column 10 as well.

Regarding claim 26, the combination of Alexander and AAPA discussed above clearly also comprises a switch module (the switch to which the logical ports are used to communicate call signaling messages.)

Regarding claim 27, the combination of Alexander and AAPA discussed above clearly also discloses receiving at the control module a request from the first terminal and the switch

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module treating the request as a request from the second terminal since the two terminals are associated with the same logical port number.

Regarding claims **28 and 29**, the combination of Alexander and AAPA discussed above clearly also discloses the limitation of the control module selecting among a plurality of logical ports; the switch module would not be of much use if only one logical port was supported and the control module must clearly select the appropriate logical port on which to send the control messages for a particular session. Since the first two terminals are associated with the same logical port, it is clear that a request for the first terminal will use a logical port that is also used for the second terminal.

Regarding claim **30**, the combination of Alexander and AAPA discussed above clearly also discloses the limitation that the control module comprises a terminal proxy server (see lines 20-22 of page 2 of the present application.)

Regarding claim **31**, Alexander discloses the limitation of the storage unit containing information associating a directory number with the first and second terminals in Figure 3. This table associates the directory number of the target number with the target device and the alternate device(s).

Regarding claim **33**, Alexander discloses the limitation that the first terminal is set as a replicate of the second terminal in the alternate devices with zero ring delay which will cause these devices to be rung simultaneously with the target device.

Regarding claim **34**, Alexander discloses the limitation of the interface comprising an interface to an IP network in the LANs 20a and 20b of Figure 1.

Regarding claim 35, Alexander discloses the limitation that the first terminal is a wireless terminal in phone 67 of Figure 1.

(10) Response to Argument

In section A on pages 5-12, Applicant addresses the rejection of claims 1-6, 8-13, 43, and 45-48 under 35 U.S.C. 103(a) over U.S. Patent 6,775,369 to McClung in view of U.S. Patent 6,178,238 to Bozek, et al.

First, Applicant addresses the rejection of claims 1, 2, 5, 6, 8-13, and 46 in section A1 on pages 5-10. In the first paragraph, Applicant states that a prima facie case of obviousness has not been established with respect to claim 1; for the reasons stated below, Examiner respectfully disagrees. In the next paragraph, Applicant recites portions of *In Re Fine*. In the first paragraph of page 6, Applicant recites portions of the factual inquiries taught in *Graham v. John Deere Co.* Examiner has considered these arguments.

In the second paragraph on page 6, Applicant asserts that Examiner has misunderstood the subject matter of claim 1 and summarizes portions of this claim. Examiner respectfully disagrees with this assertion. Examiner fully understands the subject matter of claim 1. However, Examiner believes the claim language to be broad enough that it is made obvious in view of McClung and Bozek. This is explained in more detail below.

In the first paragraph on page 7, Applicant asserts that the elements of claim 1 are not disclosed by either McClung or Bozek. However, as Applicant has suggested in citing portions

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of the claim taught by each reference, Examiner has clearly indicated where each limitation is disclosed in these references.

In the next two paragraphs, Applicant continues this argument. First, Applicant describes portions of each reference. Next, Applicant argues that Bozek does not disclose the user being at a clone terminal. Examiner respectfully disagrees. First, the limitations related to cloning the first terminal with a second terminal (i.e. associating the two terminals) is disclosed in McClung. Secondly, Bozek (which discloses the limitations related to outgoing calls on the second/cloned terminal) relates to a telephone station 5 (see figure 1) which is away from the home telephone. This telephone is analogous to the second telephone of McClung which is rung alternatively to the primary telephone. It is completely reasonable that one of ordinary skill in the art would combine the functionality of McClung and Bozek as they both perform methods at an analogous telephony station at which a traveler is located away from the home office. In both cases, this traveler is interested in utilizing services related to the home office while at the second location.

In the next paragraph (starting at the bottom of page 7), Applicant argues that McClung is not related to the cloning features of claim 1. However, McClung discloses the cloning related limitations of claim 1 as indicated above. The roaming line is a clone of the first terminal as it acts as the first terminal when an incoming call request directed to the first terminal causes the second/roaming terminal to be alerted. Applicant asserts that McClung does not disclose the limitation of establishing a call from the second terminal by accessing profile information of the first terminal. However, as the rejection above clearly states, this limitation is both obvious and disclosed in Bozek.

In the next two paragraphs on page 8, Applicant argues that the modification of McClung based on Bozek is erroneous because the incoming and outgoing call portions of claim 1 are not unrelated call processing tasks. However, as indicated above, both McClung and Bozek describe functions performed by or involving a terminal at a location away from the user's home telephone and/or office. McClung and Bozek describe functionality performed at an analogous station and it is completely reasonable to combine the teachings of both references. Applicant states that there is no reason to make the proposed modification of McClung based on Bozek. However, the rejection clearly provides motivation for this modification from Bozek (lines 15-22 of column 1, for example). Bozek discloses the need for traveling callers to access their speed dialing list when making outgoing calls from a telephone away from home.

In the first two paragraphs of page 9, Applicant asserts that the Examiner failed to provide a reason to combine McClung and Bozek and cites *KSR International Co. v. Teleflex Inc.* However, as stated above, Examiner explicitly provided this motivation as suggested by Bozek.

In the next paragraph, Applicant states that Bozek fails to disclose the outgoing aspect of claim 1. However, the rejection clearly indicates where Bozek discloses each of the limitations of claim 1 not disclosed by McClung.

In the remaining paragraphs of this section (on pages 9 and 10), Applicant asserts that he has relied on claim language in his arguments and concludes his argument regarding claims 1, 2, 5, 6, 8-13, and 46.

In section A2 on pages 10-11, Applicant addresses the rejection of claim 45. Applicant states that elements 205 and 207 of Figure 2 in Bozek refer to a calling card database and the

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speed dial number returned from the database. Applicant then argues that the teaching of Bozek of accessing the speed calling list (of the home telephone as indicated throughout) is not related to the claim language (which indicates accessing speed dial information of the first terminal). Examiner reasserts that this access of a speed calling list (speed dial information) in Bozek clearly discloses the limitations of claim 45.

In section A3 on pages 11-12, Applicant addresses the rejection of claims 3, 4, 43, and 48. Applicant refers to the arguments of section A1 regarding the combination of McClung and Bozek. Examiner respectfully disagrees for reasons similar to those above regarding Applicant's arguments of section A1.

In section A3 on page 12, Applicant addresses the rejection of claim 47. Applicant refers to the arguments of section A2. Examiner respectfully disagrees for reasons similar to those above regarding Applicant's arguments of section A2.

In section B1 on pages 12-15, Applicant addresses the rejection of claims 37-40 under 35 U.S.C. 103(a) over U.S. Patent 6,798,767 to Alexander et al in view of U.S. Patent 6,961,346 to Michalewicz et al. In the first paragraph, Applicant states that a prima facie case of obviousness has not been established with respect to claim 37; for the reasons stated below, Examiner respectfully disagrees. In the next paragraph (starting on page 12), Applicant recites portions of Michalewicz and argues that Michalewicz does not disclose that the virtual telephony devices are clones of respective terminals. However, Applicant has left out some important details of

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Michalewicz in his summary. For example, Applicant states that in lines 33-37 of column 6, Michalewicz “describes a call manager 26a that has software for implementing one or more virtual telephony devices”. However, Applicant omits the critical portion of this passage in which Michalewicz states that “virtual telephony device software or firmware may also be located on any other network device”. Applicant adds that Michalewicz states in lines 38-40 of column 6 that “the virtual telephony devices are logically inserted between two or more IP telephony devices to act as an intermediary between the telephony devices”. However, Michalewicz states that the virtual telephony devices may be inserted between two telephony devices. Applicant’s summary steers the reader to believe that Michalewicz limits the virtual telephony devices to a device very similar to call manager 26a and that this is very different than a clone of a terminal. However, Michalewicz is in fact disclosing that the physical devices may optionally be virtual telephony devices (software or firmware) and that one physical device may contain one or more of these virtual devices. The call manager is merely one of the telephony devices that may be implemented in this manner; clearly, Michalewicz also intends telephony devices to include terminals (telephones) as indicated in lines 45-50 of column 3. As indicated in the rejection above, Alexander discloses the clone related limitations and Michalewicz discloses the implementation of these as virtual devices (soft clients).

In the next paragraph, Applicant responds to a statement in the Final Office Action that whether cloning is disclosed in Michalewicz is not relevant to the discussion. Applicant asserts that the issue of cloned terminals is relevant to the discussion. However, Applicant appears to suggest that both Alexander and Michalewicz must disclose all the limitations of a claim in order to be used in an obviousness rejection. However, Examiner’s statement was made to clarify that

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the combination must disclose all limitations of the claim and the cloning limitations are clearly disclosed by the Alexander reference. Applicant further argues that the Alexander reference does not disclose the limitation of sending a request to a server to select one of the terminals to clone. However, the updating of the alternate number list discloses the broad limitation of sending a request to a server to select one of the terminals to clone. The alternate number list clearly associates terminals as clones according to the claim language; a call to a particular telephony device will be received by a device with the number added to the alternate number list (the clone). It behaves as the originally dialed telephone would have and is thus a clone according to the very broad claim language. Further, the alternate number list is very similar to the clone tables of Figures 3A-C; although this detail is not required by the broad claim language, it provides further evidence that the claim is obvious in view of the prior art of record. Finally, Applicant argues that Alexander does not disclose the soft client module limitations. As has been made clear in the previous office action, Michalewicz is relied upon for this limitation. Applicant appears to be arguing that this limitation must be taught in both references for the rejection under 35 U.S.C. 103(a) to be valid; clearly this is not the case and the rejection is valid.

In the first paragraph of page 9, Applicant continues this argument. Examiner maintains that Alexander, modified by Michalewicz as suggested, discloses all limitations of claim 37.

In the second paragraph on page 9, Applicant alleges that no motivation to combine the references exists. However, Examiner has provided motivation in the rejection. While not explicitly stated in Michalewicz, it is clear to one of ordinary skill that implementing clients in software is clearly less expensive than implementing them in hardware. For example, if two telephony devices are implemented (in software) on one physical device, the cost of these

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devices is roughly half that of two devices implemented on two separate physical devices.

Clearly, one of ordinary skill in the art would be motivated to reduce costs and thus to combine Alexander and Michalewicz as indicated above.

In section C1 on page 15, Applicant addresses the rejection of claim 7 under 35 U.S.C. 103(a) over McClung in view of Bozek and AAPA. Applicant argues that AAPA does not disclose the association of a logical port of the first terminal with the second terminal. However, the association of the first terminal with the second terminal is disclosed in McClung as indicated in the rejection above. Examiner relies upon the AAPA for only the well-known implementation of the switch using logical ports and not the association of the first and second terminals. Examiner thus believes the rejection to be valid.

In section D1 on page 16, Applicant addresses the rejection of claim 14 under 35 U.S.C. 103(a) over McClung in view of Bozek and Alexander. Applicant argues that the rejection of claim 14 is defective because the claim is dependent upon claims 1 and 10. Examiner respectfully disagrees as explained above regarding Applicant's arguments in section A1.

In section E on pages 16-19, Applicant addresses the rejection of claims 16-22 and 44 under 35 U.S.C. 103(a) over U.S. Patent 6,798,767 to Alexander et al in view of AAPA.

First, Applicant addresses the rejection of claims 16, 18-22 and 44 in section E1 on pages 16-18. In the first paragraph, Applicant states that a prima facie case of obviousness has not

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been established with respect to claim 16; for the reasons stated below, Examiner respectfully disagrees.

In the next paragraph, Applicant argues that AAPA does not disclose the limitation of associating a first logical port with both the first and second terminals or the limitation of forwarding, by the switch module, the call request through the first logical port to the telephony proxy server. However, Examiner respectfully disagrees. AAPA is relied upon merely for the means by which the ports are associated. Alexander clearly discloses associating the first and second terminals in the call manager as stated in the rejection above. AAPA also clearly states that "With the advent of packet-based network telephony (e.g., IP telephony), telephone sets (e.g., network telephones or soft phones) are no longer connected directly to a switch. Instead, the telephone sets are coupled over a LAN, WAN, or Internet to a system running a Terminal Proxy Server (TPS). In most cases, the TPS resides in the same system as the switch (e.g., a PBX). The TPS acts as a proxy server on behalf of the various telephony clients (which are the telephone sets). The TPS reserves a logical port in the switch for the telephony client, and routes call control signaling messages and other traffic between the telephony client and the switch through this logical port." This clearly shows that it is well known in the art to *implement* a system such as the call manager with terminal proxy server software and to use logical ports to communicate with a switch module. The call manager performs the exact same functionality as the article in the claim language; there are merely semantic differences in how this functionality is described. The association of the two terminals in the call manager of Alexander has the same functionality as the association of the two terminals in the claim language. The fact that the

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AAPA clearly indicates that the use of such language and implementation is well known in the art makes the claim obvious in view of the prior art of record.

As further evidence that the modification made by AAPA is minor and obvious, consider Figures 2 and 3 of the present application as well as the passage from line 27 of page 7 to line 17 of page 8. This passage and the Figures describe updating the “logical port entry” in the clone tables of Figure 3 to store the association of the two terminals. The clone tables of Figure 3 contain similar information to the tables of Figures 3-4 of Alexander in that they store an association between two or more terminals that allow the switch/call manager to route calls addressed to the first terminal to the second terminal. The alternate number table of Figure 3 contains the first terminal as well as any cloned terminals (that are alerted when a call to the first terminal is received); these terminals are thus associated as clones in this manner in Alexander. The clone tables (and thus the “logical port” concept of claim 16) are merely a well-known alternative implementation of this association as indicated in the AAPA section referred to above.

Similarly, in the first paragraph on page 17, Applicant argues that there is no suggestion in either Alexander or AAPA to associate a logical port between a TPS and switch module with both the first and second terminals. As indicated above, Alexander teaches the limitation of associating the first and second terminals and the AAPA discloses that the logical port software construct is merely a well-known way of implementing such a system; given the association of Alexander, it is obvious to implement it using the logical port construct of the AAPA. In the third paragraph, Applicant continues this argument and cites portions of Examiner’s response

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from the last action. Examiner again believes that the combination of Alexander and AAPA discloses all the limitations of claim 16 for reasons stated above.

In the next two paragraphs on page 17, Applicant argues makes similar arguments and states that there are substantive (not just semantic) differences between the association of Alexander and that of the present application. However, Applicant does not explain the basis for this statement; he does not specify any substantive differences. Examiner maintains that the logical port concept is merely a semantic difference in view of the broad language in claim 16.

In the last paragraph of page 17, Applicant states that there is no reason for combining Alexander and AAPA. However, Examiner has provided specific motivation in the above rejection. It would clearly have been obvious to modify the minor implementation details (really, the semantics of the implementation) to allow the system to be more easily maintained by those familiar with these semantics.

In the 3 paragraphs on page 18, Applicant summarizes the previous arguments. For reasons similar to those above, Examiner respectfully disagrees.

In section E2 on pages 18-19, Applicant addresses the rejection of claim 17. Applicant argues that Alexander does not disclose the limitation that the second terminal can be disabled. Applicant argues that the Examiner's analysis is flawed as removing the device from the alternate number list would merely remove the clone. However, Examiner respectfully disagrees. Removing the device from the alternate number list disables this device (the second terminal) in that the services described in the claim will no longer be performed for this terminal. A call directed to the first terminal will no longer cause an alert to be sent to the second terminal;

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thus the terminal is disabled. Another way to state this is that adding the terminal to the table enables the clone, which removing it disables the clone.

In section F1 on pages 19-21, Applicant addresses the rejection of claims 23, 25-31, and 33-35 under 35 U.S.C. 103(a) over U.S. Patent 6,798,767 to Alexander et al in view of AAPA and U.S. Patent 6,263,064 to O'Neal et al.

In the first paragraph, Applicant argues that as there was no reason to combine Alexander and AAPA, there is also no reason to combine Alexander, AAPA, and O'Neal. In the next paragraph, Applicant summarizes the argument regarding the logical port as indicated in Applicant's section E1. For reasons stated above, Examiner respectfully disagrees.

In the first full paragraph of page 20, Applicant summarizes portions of the rejection and notes that O'Neal doesn't disclose updating a table with the information on which terminal answered the call request. In the next three paragraphs, Applicant continues this argument by indicating a statement made by Examiner in a prior Office Action. In the Office Action, Examiner used the term "useful" in clarifying a point to the Applicant. Applicant is now asserting that Examiner has admitted that the above-cited combination is not useful. However, it should be clear from the context that Examiner was clarifying that, clearly, the follow-me information of O'Neal would be stored in a table. Furthermore, in the combination, it would clearly have been in the alternate number table of Alexander as this table contains the associated terminal identifiers. Examiner is in no way suggesting the combination of Alexander, AAPA, and O'Neal would not have been useful; on the contrary, Examiner is indicating that the obvious combination would have stored this implementation in a table as this would clearly be the most

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useful combination. Examiner was merely pointing out that Applicant's suggestion that the follow-me information would somehow not be stored in a table doesn't make sense as that would not be useful.

(11) Related Proceeding(s) Appendix


No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

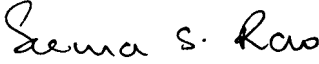
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

 7-26-07
Robert C. Scheibel, Jr.

Conferees:

Wing Chan 
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Seema S. Rao 
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